

111TH CONGRESS  
1ST SESSION

# H. R. 2204

To amend title XVIII of the Social Security Act to provide payment under part A of the Medicare Program on a reasonable cost basis for anesthesia services furnished by an anesthesiologist in certain rural hospitals in the same manner as payments are provided for anesthesia services furnished by anesthesiologist assistants and certified registered nurse anesthetists in such hospitals.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Mr. CUELLAR (for himself and Mr. AKIN) introduced the following bill; which was referred to the Committee on Ways and Means

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## A BILL

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1 Be it enacted by the Senate and House of Represent  
2 tives of the United States of America in Congress assem

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the ``Medicare Access to  
3 Rural Anesthesiology Act of 2009``.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) There is an acknowledged shortage of anes-  
7 thesia professionals in rural hospitals. Research in-  
8 dicates that surgeons in many rural hospitals are per-  
9 forming and would like to perform more complex  
10 surgeries that could be made safer and more prac-  
11 tical if anesthesia services were provided by an an-  
12 esthesiologist.

13 (2) As medical doctors and doctors of osteop-  
14 athy, anesthesiologists are excluded from competing  
15 to assure the availability of anesthesia services in  
16 certain rural areas because only anesthesiologist  
17 assistants and certified registered nurse anesthetists  
18 are eligible for special pass-through payments under  
19 part A of the Medicare program for anesthesia serv-  
20 ices furnished in certain rural hospitals.

21 (3) The Centers for Medicare & Medicaid Serv-  
22 ices has stated that a statutory change is necessary  
23 to allow anesthesiologists to receive payment under  
24 part A of the Medicare program on a reasonable cost  
25 basis for anesthesia services provided.

1 **SEC. 3. MEDICARE PART A PAYMENT FOR ANESTHESIOLOGIST SERVICES IN CERTAIN RURAL HOSPITALS BASED ON CRNA PASS-THROUGH RULES.**

5 (a) IN GENERAL.—Section 1814 of the Social Security Act (42 U.S.C. 1395f) is amended by adding at the end the following new subsection:

8 ``Anesthesiologist Services Provided in Certain Rural Hospitals

10 `` (m) (1) Notwithstanding any other provision of this title, coverage and payment shall be provided under this part for physicians' services that are anesthesia services furnished by a physician who is an anesthesiologist in a rural hospital described in paragraph (3) in the same manner as payment is made under the exception provided in section 9320(k) of the Omnibus Budget Reconciliation Act of 1986, as amended by section 6132 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 1395k note) (relating to payment on a reasonable cost, pass-through basis), for certified registered nurse anesthetist services furnished by a certified registered nurse anesthetist in a hospital described in such section.

23 `` (2) No payment shall be made under any other provision of this title for physicians' services for which payment is made under this subsection.

1       ``(3) A rural hospital described in this para  
2 graph is a hospital described in section 9320(k)  
3 the Omnibus Budget Reconciliation Act of 1986, as  
4 so amended (42 U.S.C. 1395k note), except that—

5       ``(A) any reference in such section to a  
6 'certified registered nurse anesthetist' or 'an  
7 thetist' is deemed a reference to a 'physicia  
8 who is an anesthesiologist' or 'anesthesiologis  
9 respectively; and

10       ``(B) any reference to 'January 1, 1988' or  
11 '1987' is deemed a reference to such date and  
12 year as the Secretary shall specify.''. .

13       (b) EFFECTIVE DATE.—The amendment made by  
14 subsection (a) shall apply to services furnished during  
15 reporting periods beginning on or after the date of  
16 enactment of this Act.

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